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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,497	08/09/2001	Takashi Saga	UDK-001	2619

23353 7590 01/11/2005

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WASHINGTON, DC 20036

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/924,497

Applicant(s)

SAGA ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1,2,4 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **NON-FINAL OFFICE ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-2, 4, & 7 are rejected under 35 U.S.C. §103( a ) as being obvious over Franke US 2001/0014865 (Aug. 16, 2001) [US f/d: Mar. 15, 2001] (herein referred to as "Franke").

As per independent claim 1, Franke (FIG. 1; ¶¶[0101]; [0103]; [0105]; [0107]; [0109]; [0111]; [0112]; [0114]; [0116]; [0118]; [0130]; and [0132]) shows "wherein the selected advertisement information is a questionnaire, and a response to the questionnaire is communicated over the network from the audience to the server. . . ."

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Franke (the ABATRACK; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7A; FIG. 10A through FIG. 10J; ¶¶[0006]; [0008]; [0017]; [0030]; [0031]; [0033]; [0038]; [0042]; [0090]; [0124]; [0125]; [0152]; [0158]; [0161]; [0204]; [0209]; [0211]; and whole document) shows: “A presentation method for providing advertisement information stored in a server to an exhibitor via a network comprising the steps of: requesting access to information stored in the server over the network; selecting advertisement information among information stored in the server when access is authorized; sending selected advertisement information from the server to the exhibitor over the network . . . wherein the advertisement information sent to the exhibitor is transmitted . . . and shown to the audience before or after a feature presentation as a digital motion picture. . . .”

Franke lacks a showing of “a movie theater and . . . projected from a movie projector. . . .”

“Official Notice” is taken that both the concepts and the advantages of “a movie theater and . . . projected from a movie projector. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify and interpret the disclosure of Franke (the ABATRACK; FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7A; FIG. 10A through FIG. 10J; ¶¶[0006]; [0008]; [0017]; [0030]; [0031]; [0033]; [0038]; [0042]; [0090]; [0101]; [0103]; [0105]; [0107]; [0109]; [0111]; [0112]; [0114]; [0116]; [0118]; [0124]; [0125]; [0152]; [0158]; [0161]; [0204]; [0209];

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[0211]; [0130]; and [0132] and whole document) as implicitly showing “a movie theater and . . . projected from a movie projector. . . .” because modification and interpretation of the cited disclosure of Franke would have provided means “*for conducting . . . Internet-based . . . events . . . trade shows . . . all using web browser computers and a central website server on the Internet. . . .*” (see Franke (§[0016])) based on the motivation to modify Franke so as to “[*receive and store*] . . . *for . . . exhibitor/sponsor clients. . . .*” (see Franke (§[0016])).

As per dependent claim 2, Franke shows the method of claim 1; furthermore, dependent claim 2 is rejected for at least substantially the same reasons and disclosures as those recited in the obviousness rejection of claim 1.

As per dependent claim 4, Franke shows the method of claim 2; furthermore, dependent claim 4 is rejected for at least substantially the same reasons and disclosures as those recited in the obviousness rejection of claim 1; for example, see Franke (FIG. 1; ¶¶[0101]; [0103]; [0105]; [0107]; [0109]; [0111]; [0112]; [0114]; [0116]; [0118]; [0130]; and [0132]).

As per dependent claim 7, Franke shows the method of claim 4; furthermore, dependent claim 7 is rejected for at least substantially the same reasons and disclosures as

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those recited in the obviousness rejection of claim 1; for example, see Franke (FIG. 1;

¶¶[0014]; [0044]; [0059]; [0061]; [0075]; [0076]; [0092]; [0096]; [0134]; [0144];

[0146]; [0148]; [0150]; [0161]; [0163]; [0164]; [0165]; [0167]; [0172]; [0173]; [0174];

[0176]; [0178]; [0182]; [0185]; [186]; [0190]; [0203]; and [0210]).

### **RESPONSE TO ARGUMENTS**

3. Applicant's arguments (filed 10/29/2004) have been considered but are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of argument

### **CONCLUSION**

4. Any response to this action should be mailed to:

Commissioner for Patents  
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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Serial Number: 09/924,497

(Saga et al.)

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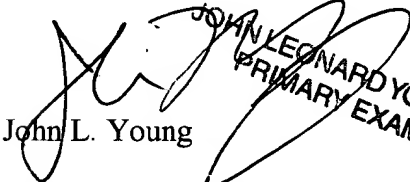
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Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
JOHN L. YOUNG, ESQ.  
PRIMARY EXAMINER  
John L. Young  
Primary Patent Examiner

January 5, 2005